

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MICHAEL L. MCDANIEL

Plaintiff

-VS-

JOHN E. POTTER, Postmaster General,
United States Postal Service

Defendant

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:
: CASE NO. 1:06CV0803
: 1:06CV1371
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:
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: MEMORANDUM OF OPINION
: DENYING PLAINTIFF'S MOTIONS FOR
: REIMBURSEMENT OF FILING FEES,
: MOTION TO EXPEDITE
: REIMBURSEMENT OF FILING FEES,
: MOTION FOR CONFERENCE, AND
: MOTIONS FOR INQUEST

UNITED STATES DISTRICT JUDGE LESLEY WELLS

Before the Court are six motions filed by pro se Plaintiff, Michael McDaniel, in the above-captioned case numbers, which were consolidated on 20 July 2006. Mr. McDaniel has filed the following motions in Case No.: 1:06-CV-00803: Motion for Reimbursement of Filing Fees (Docket #30), Motion for Conference (Docket #31), and Motion for Inquest (Docket #33). Mr. McDaniel has filed the following motions in Case No.: 1-06-CV-1371: Motion for Reimbursement of Filing Fees (Docket #16), Motion to Expedite Reimbursement of Filing Fees (Docket #17), and Motion for Inquest (Docket #19). The basis for each of Mr. McDaniel's motions is the Court's Order dated 20 July 2006, denying his motion for summary judgment as untimely filed (Docket #12, Case No. 1:06-CV-0803) and the Court's Order of 26 October 2007, denying Mr. McDaniel's motion for summary judgment

and granting summary judgment in favor of the Postmaster General. (Docket #23, Case No. 1:06-CV-0803; Docket #9, 1:06-CV-1371).

In his motions related to the reimbursement of filing fees (Docket #30 and #31 - Case No.: 1:06-CV-0803; Docket #16 and #17 - Case No.: 1:06-CV-1371), Mr. McDaniel argues, without support, that he is entitled to have his filing fees (\$455 in each case) reimbursed, on an expedited basis (Case No.: 1:06-CV-1371), after a conference (Case No.: 1:06-CV-0803). Mr. McDaniel argues that he is so entitled because his motions for summary judgment, Dockets #2 and #6, in 1:06-CV-1371, and 1:06-CV-803, respectively, were erroneously denied by the court as untimely on 20 July 2006 (Docket #12 - 1:06-CV-0803). Mr. McDaniel states that the motions were "delivered" on 3 May 2006, but the Clerk "failed to enter this information on the docket report until 5 June 2006, and 14 June 2006, thereby implying that he filed his motions timely. Mr. McDaniel also argues that the Court failed to enter his 19 June 2006 Supplemental Motion for Summary Judgment (Docket #16, Case No. 1:06-CV-803) on the docket. Mr. McDaniel argues that these errors resulted in summary judgment being granted in favor of the Postmaster General, which violated his Constitutional Rights under the 5th, 6th, and 14th Amendments, thereby entitling him to reimbursement of his filing fees. The Court will deny Mr. McDaniel's motions.

Mr. McDaniel has cited no authority that would allow us to reimburse his filing fees in this context. Moreover, Mr. McDaniel's earlier motions for summary judgment were denied because they were premature, not because they were late. (Docket #12, Case No.: 1:06-CV-803). Finally, Mr. McDaniel misunderstands the Court's Order of 26 October 2007, in which the Court noted that it was construing Mr. McDaniel's Supplement to Motion for Summary Judgment as his motion for summary judgment and was also taking the

premature motions for summary judgment, identified above, into consideration even though the Court had determined them untimely filed in its prior Order. (Docket #23 at 2).

The Court construes Mr. McDaniel's motions for inquest, filed 28 April 2009, as motions for reconsideration. The motions ask this Court to reconsider its 20 July 2006, and 27 October 2007 Orders due to the alleged errors discussed above. The Court will deny Mr. McDaniel's Motions as untimely filed. Fed.R.Civ.P. 59(e) requires a motion for reconsideration to be filed within 10 days of the Order at issue.

Based on the foregoing reasons, Mr. McDaniel's motions in Case No. 1:06-CV-1371 (Docket #16, #17, and #19) and in Case No. 1:06-CV-0803 (Docket #30, #31, and #33) are denied.

IT IS SO ORDERED.

/s/ Lesley Wells
LESLEY WELLS
UNITED STATES DISTRICT JUDGE

Dated: 19 May 2009